

REMARKS

It is noted that the preliminary amendment filed January 19, 2005 is not reflected in the online transaction history for this application and is not acknowledged in the Office Action of January 9, 2007. Therefore, the same amendments to the specification and claims are resubmitted here.

This amendment responds to the office action mailed January 9, 2007. In the office action the Examiner:

- objected to the specification, and in particular paragraph 0020;
 - rejected claim 17 as being indefinite under 35 U.S.C. 112, second paragraph;
 - rejected claim 11 under 35 U.S.C. 103(a) as being unpatentable over Tokorozawa et al. (US 4,231,707) in view of Jackson et al. (US 4,884,013); and
 - objected to claims 12-16 and 18-20 as being dependent upon rejected base claims.
- After entry of this amendment, the pending claims are: claims 11-20.

RESTRICTION ELECTION AND TRAVERSE

This confirms the telephone conversation between the Examiner and Applicants' representative, Gary S. Williams, on January 3, 2007 that Applicant elects Group II, claims 11-20. However, applicant respectfully traverses the restriction requirement.

In particular, applicant has revised claim 1 to restrict the pump to a peristaltic pump. As a result, the process as claimed must be performed on apparatus for monitoring and controlling a peristaltic pump. Thus, the examiner's stated basis for the restriction requirement is not applicable to Claims 1 and 4-10 as amended.

Amendments to the Specification

Pursuant to the Examiner's request paragraph 0020 has been amended.

Paragraphs 0017, 0028 and 0049 has been amended to rectify several typographical errors. No new matter has been added by these amendments.

Amendments to the Claims

Claim 1 has been amended to incorporate a combination of claims 2 and 3. The word "increasing" in claims 2 and 3 has been replaced by "updating". The word "or" separates the final "when" clauses adopted from claims 2 and 3.

Claim 11 has been amended to incorporate a combination of claims 12 and 13. The word "increase" in claims 12 and 13 has been replaced by "update". The word "or" separates the final "when" clauses adopted from claims 12 and 13.

Patentability of Pending Claims

The office action states that claims 12 and 13 would be allowable if rewritten in independent form. Rather than writing claim 12 and claim 13 as separate independent claims, they have been combined in claim 11. Claim 11 as amended is patentable over the prior art of record for the same reasons as originally filed claims 12 and 13.

Claim 1 is patentable over the prior art of record for the same reasons as originally filed claims 12 and 13, and claim 11 as amended.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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/ Gary S. Williams /

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